



1002107

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V
HAZARDOUS WASTE MANAGEMENT PERMIT

Name of Permittee: The University of Chicago

Facility Location: Street Address: 5801 South Ellis Avenue
City, State: Chicago, Illinois

EPA Identification Number: ILD005421136

Effective Date: August 19, 1991

Expiration Date: Ten (10) years after the effective date

Authorized Activities:

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984, (42 U.S.C. §6901, et seq.), and regulations promulgated thereunder by the United States Environmental Protection Agency (U.S. EPA) (codified in Title 40 of the Code of Federal Regulations (CFR)), Federal permit conditions (hereinafter called the permit) of the RCRA permit are issued to The University of Chicago (hereinafter called the Permittee), for the facility located in Chicago, Illinois.

The RCRA permit contains both the effective Federal permit conditions (contained herein) and the effective State permit conditions issued by the State of Illinois RCRA program authorized under 40 CFR Part 271 (hereinafter called the State permit). When both this permit and the State permit are effective, the Permittee has an effective RCRA permit which authorizes the Permittee to conduct hazardous waste management activities as specified in the RCRA permit.

Permit Approval:

On January 31, 1986, the State of Illinois received final authorization pursuant to Section 3006 of RCRA, 42 U.S.C. §6926, and 40 CFR Part 271, to administer the pre-HSWA RCRA hazardous waste program. Since the State of Illinois has not yet received authorization to administer the entire hazardous waste program requirements of HSWA, additional permit conditions must be issued by the U.S. EPA to address these new requirements. These additional conditions are contained in this permit.

The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in any attachments) and the applicable regulations contained in 40 CFR Parts 260, 261, 262, 264, 266, 268, 270, and 124, and applicable provisions of HSWA.

RESPONSE TO COMMENTS
REGARDING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (U.S. EPA)
PORTION OF THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)
HAZARDOUS WASTE MANAGEMENT PERMIT TO BE ISSUED TO
THE UNIVERSITY OF CHICAGO
CHICAGO, ILLINOIS
ILD 005421136

INTRODUCTION

This response is issued pursuant to 40 Code of Federal Regulations (CFR) Section 124.17, "Response to Comments," which states that the United States Environmental Protection Agency (U.S. EPA) shall: (1) specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; (2) describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing; (3) include in the administrative record for the final permit decision, any documents cited in response to comments; and (4) make the response to comments available to the public. If new points are raised or new material supplied during the public comment period, U.S. EPA may also document its response to those matters by adding new material to the administrative record.

The Illinois Environmental Protection Agency (IEPA) public noticed the availability of a joint IEPA-U.S. EPA draft RCRA permit for the University of Chicago in the Chicago Defender and in the Hyde Park Herald, on December 19 and 26 of 1990, and on January 2, 1991. A seventh notice on the draft RCRA permit for the University of Chicago was published in the Momento, on December 20, 1990. These notices requested comments on the proposed permit and announced that a public hearing could be held at the public's request.

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CHANGES TO THE PERMIT

Minor modifications have been made to Conditions III. and IV. of the permit, for clarifications purposes. Condition III. was rewritten to specifically address the 4 hazardous waste codes (D018, D019, D022, and D040) that the University of Chicago recently added to its Part B permit application as a result of the U.S. EPA's implementation of the Toxicity Characteristic rule. Condition IV. of the permit was expanded by the addition of two new Sections D. and E. Section D. requires the Permittee to notify the Regional Administrator of any waste management units at the facility, which become subject to the emission air standards of 40 CFR 264, Subparts AA and BB. Section E. requires the Permittee to comply with all self implementing provisions of any further air regulations promulgated under the provisions of Section 3004(n) of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA).

This permit is based on the assumption that the information submitted in the Part B permit application dated November 8, 1988, and in any subsequent amendments (hereinafter referred to as the application), is accurate. Any inaccuracies found in this information may be grounds for the termination, revocation and reissuance, or modification of this permit (see 40 CFR 270.41, 270.42 and 270.43) and potential enforcement action. The Permittee must inform the U.S. EPA of any deviation from or changes in the information in the submitted application as soon as the Permittee becomes aware of such deviation or changes.

Opportunity to Appeal:

Petitions for review must be submitted within 30 days after service of notice of the final permit decision. Any person who filed comments on the draft permit or participated in the public hearing may petition the Administrator to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision. The procedures for permit appeals are found in 40 CFR 124.19.

Effective Date:

The RCRA permit is effective when both this permit and the State permit are effective. This permit is effective as of the effective date specified on the previous page, unless a review is requested under 40 CFR 124.19. The permit shall remain in effect until the expiration date, unless revoked and reissued, or terminated (40 CFR 270.41, 270.42, and 270.43), or continued in accordance with 40 CFR 270.51.

Issued this 13th day of June, 1991

by David A. Ullrich
David A. Ullrich, Director
Waste Management Division

ILD00542136

The University of Chicago
5801 South Ellis Avenue
Chicago, Illinois

PERMIT INDEX

PERMIT CONDITIONS:

- I. Standard Conditions
- II. Land Disposal Requirements
- III. Toxicity Characteristic
- IV. Air Emission Standards

PERMIT CONDITIONS

(Note: The regulatory citations in parentheses are incorporated by reference.)

I. STANDARD CONDITIONS

A. EFFECT OF PERMIT (40 CFR 270.4 and 270.30(g))

The Permittee is allowed to manage hazardous waste in accordance with the conditions of the RCRA permit. Any management of hazardous waste not authorized in the RCRA permit is prohibited.

Compliance with the RCRA permit during its term constitutes compliance, for the purposes of enforcement, with Subtitle C of RCRA, except for those requirements not included in the permit which become effective by statute, or which are promulgated under 40 CFR Part 268, restricting the placement of hazardous waste in or on the land. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; Sections 104, 106(a), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. §9601 et seq., commonly known as CERCLA); or any other law providing for protection of public health or the environment.

B. PERMIT ACTIONS (40 CFR 270.30(f))

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 270.41, 270.42, and 270.43. This permit may also be reviewed and modified at any time by the U.S. EPA to include any terms and conditions determined necessary to protect human health and the environment pursuant to Section 3005(c)(3) of RCRA. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes, or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

C. SEVERABILITY (40 CFR 124.16)

The provisions of this permit are severable, and if any provision of this permit, or if the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

D. DUTIES AND REQUIREMENTS

1. Duty to Comply. (40 CFR 270.30(a))

The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit (See 40 CFR 270.61). Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of RCRA and HSWA and is grounds for enforcement action, permit termination, revocation and reissuance, modification, denial of a permit renewal application, or other appropriate action.

2. Duty to Reapply. (40 CFR 270.30(b) and 270.10(h))

The Permittee shall submit a complete application for a new permit at least 180 days before this permit expires unless: a) the Permittee no longer wishes to operate a hazardous waste management facility; b) the Permittee is no longer required to have a RCRA permit; or c) permission for a later date has been granted by the Regional Administrator. The Regional Administrator shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

3. Permit Expiration. (40 CFR 270.13, 270.14, 270.50, and 270.51)

This permit and all conditions herein shall be effective for a fixed term not to exceed 10 years, and will remain in effect beyond the permit's expiration date only if the Permittee has submitted a timely, complete application (per 40 CFR 270.10 and applicable sections of 270.14 through 270.29): a) to both the U.S. EPA and the State; and b) through no fault of the Permittee, the Regional Administrator and the State have not issued a new permit, as set forth in 40 CFR 270.51.

4. Need to Halt or Reduce Activity Not a Defense. (40 CFR 270.30(c))

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

5. Duty to Mitigate. (40 CFR 270.30(d))

In the event of releases or noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are

reasonable to prevent significant adverse impacts on human health and the environment.

6. Proper Operation and Maintenance. (40 CFR 270.30(e))

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality control/quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

7. Duty to Provide Information. (40 CFR 270.30(h) and 264.74)

The Permittee shall furnish to the Regional Administrator, within the time designated by the Regional Administrator, any relevant information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Regional Administrator, upon request, copies of records required to be kept by this permit.

8. Inspection and Entry. (40 CFR 270.30(i))

The Permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

- a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

- d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

9. Monitoring and Recordkeeping. (40 CFR 270.30(j), 270.31, 264.73, and 264.74)

The Permittee shall retain all reports, records, or other documents, required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the reports, records or other documents. Corrective Action records must be maintained at least 3 years after all Corrective Action activities have been completed. These periods may be extended by request of the Regional Administrator at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility.

10. Reporting Planned Changes. (40 CFR 270.30(1)(1))

The Permittee shall give notice to the Regional Administrator of any planned physical alterations or additions to the permitted facility, as soon as possible, and at least 30 days before construction of such alteration or addition is commenced.

11. Anticipated Noncompliance. (40 CFR 270.30(1)(2))

The Permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Such notice does not constitute a waiver of the Permittee's duty to comply with permit requirements.

12. Transfer of Permits. (40 CFR 270.30(1)(3), 270.40(a), and 264.12(c))

This permit may be transferred by the Permittee to a new owner or operator only after providing notice to the Regional Administrator and only if the permit is modified, or revoked and reissued, pursuant to 40 CFR 270.40(b), 270.41(b)(2), or 270.42(a). Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264, 268, and 270 (including all applicable corrective action requirements), and shall provide a copy of the RCRA permit to the new owner or operator.

13. Compliance Schedules. (40 CFR 270.30(1)(5) and 270.33)

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted to the Regional Administrator no later than 14 days following each scheduled date.

14. Twenty-four Hour Reporting. (40 CFR 270.30(1)(6) and 270.33)

The Permittee shall report to the Regional Administrator any noncompliance with the permit which may endanger human health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances. This report shall include the following:

- a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies; and
- b. Information concerning the release or discharge of any hazardous waste, or of a fire or explosion at the facility, which could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:
 - (1) Name, address, and telephone number of the owner or operator;
 - (2) Name, address, and telephone number of the facility;
 - (3) Date, time, and type of incident;
 - (4) Name and quantity of material(s) involved;
 - (5) The extent of injuries, if any;
 - (6) An assessment of actual or potential hazard to the environment and human health outside the facility, where this is applicable; and
 - (7) Estimated quantity and disposition of recovered material that resulted from the incident.

A written submission shall also be provided within 5 days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); steps taken to minimize impact on the environment; whether the noncompliance has been corrected, and if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Permittee need not comply with the 5-day written notice requirement if the Regional Administrator waives the requirement. Upon waiver of the 5-day requirement, the Permittee shall submit a written report within 15 days of the time the Permittee becomes aware of the circumstances.

15. Other Noncompliance. (40 CFR 270.30(1)(10))

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above within 15 days of when the Permittee becomes aware of the noncompliance. The reports shall contain the information listed in Condition I.D.14.

16. Other Information. (40 CFR 270.30(1)(11))

Whenever the Permittee becomes aware that it failed to submit any relevant facts, or submitted incorrect information to the Regional Administrator in the permit application or in any reports, records, or other documentation provided to the Regional Administrator, the Permittee shall promptly submit such facts or information.

17. Submittal of Reports or Other Information. (40 CFR 270.30(1)(7), (8), and (9), and 270.31)

All reports or other information required to be submitted pursuant to this permit shall be sent to:

RCRA Permitting Branch (5HR-13)
Waste Management Division
U.S. EPA, Region V
230 South Dearborn Street
Chicago, Illinois 60604

Attention: Illinois Section

18. All other requirements contained in RCRA, as amended, and in 40 CFR 270.30 not set forth herein are hereby fully incorporated in this permit.

E. SIGNATORY REQUIREMENT (40 CFR 270.30(k))

All reports or other information submitted to or requested by the Regional Administrator, his designee, or authorized representative, shall be signed and certified as required by 40 CFR 270.11.

F. CONFIDENTIAL INFORMATION

In accordance with 40 CFR 270.12 and 40 CFR Part 2, Subpart B, any information submitted to the U.S. EPA pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by marking the words "Confidential Business Information" on each page containing such information. If no claim is made at time of submission, the U.S. EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2.

G. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the facility, until closure is completed and certified by an independent registered professional engineer, all items required by 40 CFR 264.73, including the following documents and all amendments, revisions, and modifications to these documents:

1. Waste Analysis Plan, as required by 40 CFR 264.13 and this permit;
2. Operating Record, as required by 40 CFR 264.73 and this permit;
3. Notifications from generators accompanying each incoming shipment of wastes subject to 40 CFR Part 268, Subtitle C, that specify treatment standards, as required by 40 CFR 264.73, 268.7, and this permit.
4. Records regarding closed-vent systems and control devices and/or equipment leaks as required by 40 CFR 264.1035, 264.1064, and 264.73, and Condition IV.C. of this permit.

II. LAND DISPOSAL RESTRICTIONS

A. GENERAL CONDITIONS

1. The Permittee shall comply with all the applicable self-implementing requirements of 40 CFR Part 268 and all applicable land disposal requirements which become effective by statute (Section 3004 of RCRA).
2. A mixture of any restricted waste with nonrestricted waste(s) is a restricted waste under 40 CFR Part 268.
3. The Permittee shall not in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with 40 CFR Part 268, Subpart D, to circumvent the effective date of a prohibition in 40 CFR Part 268, Subpart C, to otherwise avoid a prohibition in 40 CFR Part 268, Subpart C, or to circumvent a land disposal prohibition imposed by Section 3004 of RCRA.
4. The Permittee shall prepare and maintain a current list of the hazardous waste codes handled by the facility that are identified in 40 CFR 268, Subparts B and C. The list shall include all waste codes handled by the facility, and any associated treatment standards, and shall be updated through the inclusion of new treatment standards, as promulgated or amended. This list shall be provided to the U.S. EPA representatives, or their designees, upon request.

B. TESTING AND RELATED REQUIREMENTS

1. The Permittee must test, in accordance with 40 CFR 268.7(a), any waste generated at the facility, or use knowledge of the waste, to determine if the waste is restricted from land disposal.
2. For restricted wastes with treatment standards expressed as concentrations in the waste extract, as specified in 40 CFR 268.41, the Permittee shall test the treatment residues, or an extract of such residues developed using the test methods described in Appendix II of 40 CFR Part 261 (Toxicity Characteristic Leaching Procedure, or TCLP) to assure that the treatment residues or extract meet the applicable treatment standards of 40 CFR Part 268, Subpart D. Such testing shall be performed as required by 40 CFR 264.13.

3. For restricted wastes under 40 CFR 268.32 or Section 3004(d) of RCRA, which are not subject to any treatment standards under 40 CFR Part 268, Subpart D, the Permittee shall test the treatment residues according to the generator requirements specified under 40 CFR 268.32 to assure that the treatment residues comply with the applicable prohibitions of 40 CFR Part 268, Subpart C. Such testing shall be performed as required by 40 CFR 264.13.
4. A restricted waste for which a treatment technology is specified under 40 CFR 268.42(a) may be land disposed after it is treated using that specified technology or an equivalent treatment method approved by the Administrator under the procedures set forth in 40 CFR 268.42(b).
5. For restricted wastes with treatment standards expressed as concentrations in the waste, as specified in 40 CFR 268.43, the Permittee shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards of 40 CFR Part 268, Subpart D. Such testing shall be performed as required by 40 CFR 264.13.
6. The Permittee shall comply with all the applicable notification, certification, and recordkeeping requirements described in 40 CFR 268.7(a) and (b).

C. STORAGE PROHIBITIONS

1. The Permittee shall comply with all the applicable prohibitions on storage of restricted wastes specified in 40 CFR Part 268, Subpart E.
2. Except as otherwise provided in 40 CFR 268.50, the Permittee may store restricted wastes in tanks and containers solely for the purpose of the accumulation of such quantities of hazardous wastes as necessary to facilitate proper recovery, treatment, or disposal provided that:
 - a. Each container is clearly marked to identify its contents and the date each period of accumulation begins; and
 - b. Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility.

3. The Permittee may store restricted wastes for up to 1 year unless the U.S. EPA or its authorized agent can demonstrate that such storage was not solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.
4. The Permittee may store restricted wastes beyond 1 year; however, the Permittee bears the burden of proving that such storage was solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.
5. The Permittee shall not store any liquid hazardous waste containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 ppm unless the waste is stored in a storage facility that meets the requirements of 40 CFR 761.65(b). This waste must be removed from storage and treated or disposed as required by 40 CFR Part 268 within 1 year of the date when such wastes are first put into storage. Condition II.C.4. above, that allows storage for over 1 year with specified demonstration, does not apply to PCB wastes prohibited under 40 CFR 268.32.

III. TOXICITY CHARACTERISTIC

A. WASTE IDENTIFICATION

The Permittee may store the following wastes in containers at the facility subject to the terms of the RCRA permit and as follows:

<u>Description of Hazardous Waste</u>	<u>EPA Hazardous Waste Number</u>	<u>Maximum Volume</u>	<u>Description of Unit (s)</u>
Laboratory Wastes	D018, D019, D022, D040	460 gal	Container storage areas described in Section D of the Part B permit application

B. WASTE CHARACTERIZATION

The Permittee must use the Toxicity Characteristic Leaching Procedure (TCLP) (Appendix II of 40 CFR Part 261), or use knowledge of the waste to determine whether a waste exhibits the characteristic of toxicity, as defined in 40 CFR 261.24. Use of the TCLP does not exempt the Permittee from also using the Extraction Procedure (EP) toxicity test if required by the State permit conditions.

C. CONDITIONS REGARDING UNITS

All units described in Condition IV.A. above shall be operated in accordance with the State permit conditions pertaining to those units.

IV. AIR EMISSION STANDARDS

A. PROCESS VENTS

The Permittee shall comply with all applicable requirements of 40 CFR Part 264, Subpart AA, regarding air emission standards for process vents.

B. EQUIPMENT LEAKS

The Permittee shall comply with all applicable requirements of 40 CFR Part 264, Subpart BB, regarding air emission standards for equipment leaks.

C. RECORDKEEPING

The Permittee shall comply with the applicable recordkeeping and reporting requirements described in 40 CFR 264.1035, 264.1036, 264.1064, and 264.1065.

D. NOTIFICATION OF REGULATED ACTIVITY

The Permittee shall notify the Regional Administrator of any waste management units which become subject to the requirements of 40 CFR 264, Subparts AA and BB, no later than 30 days before start-up of the regulated activity. All controls required by 40 CFR 264, Subparts AA and BB, must be in place and operating upon startup.

E. DUTY TO COMPLY WITH FUTURE REQUIREMENTS

The Permittee shall comply with all self implementing provisions of any future air regulations promulgated under the provisions of Section 3004(n) of RCRA, as amended by HSWA.

RESPONSE TO COMMENTS
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PORTION OF THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)
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STATEMENT OF BASIS FOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (U.S. EPA)
DRAFT PERMIT FOR
THE UNIVERSITY OF CHICAGO
CHICAGO, ILLINOIS
ILD005421136

PERMIT DECISION PROCEDURES

In 1976, the Resource Conservation and Recovery Act (RCRA) amended the Solid Waste Disposal Act, 42 U.S.C. §6901 et seq., to require certain facilities engaged in treating, storing, or disposing of hazardous waste to have a permit for such activities. In 1984, the Solid Waste Disposal Act was again amended by the Hazardous and Solid Waste Amendments (HSWA). The 1984 legislation contained additional permitting requirements, e.g., waste minimization, minimum technology requirements, land disposal restrictions, and corrective actions for releases of hazardous waste or hazardous constituents from any solid waste management unit at the facility. HSWA also provides authority to U.S. EPA to establish permit conditions for hazardous waste facilities beyond the scope of existing regulations, if necessary to protect human health and the environment.

On January 31, 1986, the State of Illinois received final authorization pursuant to Section 3006 of RCRA, 42 U.S.C. §6926, and 40 CFR Part 271 to administer the pre-HSWA RCRA hazardous waste program. In addition, the State was authorized, on April 30, 1990, to administer specific provisions of HSWA which address corrective actions, waste minimization and other regulatory functions. Because the State of Illinois has not yet received authorization to administer all of the hazardous waste program requirements of HSWA, additional permit conditions must be issued by the U.S. EPA to address these requirements. These additional conditions are contained in the U.S. EPA permit. The Federal permit and the State permit together form the RCRA permit.

The following discussion describes the procedures for reaching a final decision on the U.S. EPA's Draft Permit. The procedures for the State's permit process are described separately.

Section 7004(b) of RCRA, 42 U.S.C. §6974, and 40 CFR 124.10 require that the public be given a 45-day comment period for each draft permit prepared under RCRA. The comment period begins on the date of publication of the public notice in a major local newspaper of general circulation. Any person interested in submitting comments on the draft permit must do so within this 45-day comment period. A public hearing will be held in conjunction with the Illinois Environmental Protection Agency (IEPA). A notice will appear in the legal notice section of a major or local newspaper, identifying the date, time, and location of the hearing. Any person may submit oral or written statements and data concerning the draft permit at the hearing. The public comment period is automatically extended to the close of the public hearing. All comments shall be considered in making the final decision.

(2)

After the close of the public comment period, the U.S. EPA will issue a final permit decision. Each person who has submitted written comments, given oral testimony at the hearing, or requested notice of the final permit decision shall be notified of the U.S. EPA's decision. This notice includes references to procedures for appealing this decision, and the U.S. EPA's response to all significant comments on the draft permit. The notice also specifies which provisions, if any, of the draft permit have been changed in the final permit decision, the reasons for the change and any additions to the administrative record. All of the above procedures can be found in 40 CFR Part 124.

The University of Chicago is an educational institution. Hazardous wastes are generated within the facility from several hundred laboratories involved in research and instruction. The wastes are stored in containers at the Laboratory Service Building until such time as they can be sent off-site for treatment or disposal. No wastes are disposed at the facility itself. The proposed U.S. EPA-Illinois RCRA permit will allow the University of Chicago (the Permittee) to continue storing hazardous waste in containers.

A description of the type and quantity of the wastes which are proposed to be stored at the University of Chicago, is found in the Illinois EPA Fact Sheet. The dates for the starting and ending for the public comment period are also contained in the Illinois EPA Fact Sheet.

All persons wishing to comment on any of the U.S. EPA permit conditions should submit the comments in writing to:

Illinois EPA
Government and Community Affairs 5
Attn: RCRA Public Involvement Coordinator
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

The U.S. EPA contact for this permit is Juana Rojo, who may be reached at (312) 886-0990.

BRIEF SUMMARY OF THE PERMIT CONDITIONS

This section of the fact sheet provides a brief summary of the permit conditions in the draft permit. All citations of the regulations refer to the regulations as codified in Title 40 of the Code of Federal Regulations (40 CFR).

PERMIT CONDITIONS

Permit Condition	Subject	Basis
I.A.	Effect of a Permit	270.4 270.30(g)
I.B.	Permit Actions	270.30(f)
I.C.	Severability	124.16
I.D.1.	Duty to Comply	270.30(a)
I.D.2.	Duty to Reapply	270.10(h) 270.30(b)
I.D.3.	Permit Expiration	270.50 270.51 270.13 270.14
I.D.4.	Need to Halt or Reduce Activity Not a Defense	270.30(c)
I.D.5.	Duty to Mitigate	270.30(d)
I.D.6.	Proper Operation and Maintenance	270.30(e)
I.D.7.	Duty to Provide Information	270.30(h) 264.74
I.D.8.	Inspection and Entry	270.30(i)
I.D.9.	Monitoring and Records	270.30(j) 270.31 264.73 264.74
I.D.10.	Reported Planned Changes	270.30(1)(1)
I.D.11.	Anticipated Noncompliance	270.30(1)(2)

(4)

I.D.12.	Transfer of Permits	270.40(a) 270.30(1)(3) 264.12(c)
I.D.13.	Compliance Schedules	270.30(1)(5) 270.33
I.D.14.	Twenty-Four-Hour Reporting	270.30(1)(6) 270.33
I.D.15.	Other Noncompliance	270.30(1)10
I.D.16.	Other Information	270.30(1)(11)
I.D.17.	Submittal of Reports	270.30(1)(7),(8),(9) 270.31
I.D.18.	All Other Applicable Requirements	RCRA as Amended 270.30
I.E.	Signatory Requirement	270.11 270.30(k)
I.F.	Confidential Information	270.12
I.G.	Documents to be Maintained at the Facility	264.13 264.73 264.1035 264.1064
II.A.	Land Disposal Prohibitions: General Waste Restrictions	268.2, 268.3 268 Subparts B,C,D RCRA Section 3004
II.B.	Testing Requirements	268.7
II.C.	Storage Restrictions	268 Subpart E
III.	Toxicity Characteristic Rule Requirements	261.4, 261.8, 261.24, 261.30, Appendix II of Part 261
IV.	Air Emission Standards	264 Subparts AA, BB

Conditions I.A. through I.H. are standard conditions that are in the U.S. EPA portion of every permit. Condition II. prohibits the land disposal of certain restricted wastes identified in 40 CFR Part 268, unless they have met individual treatment standards based on the levels achievable by current technologies. Condition III. of the permit requires the Permittee to comply with the Toxicity Characteristic Rule. Condition IV. of the permit requires the Permittee to comply with the new air emission standards, which will become effective on December 21, 1990.

Land Disposal Prohibitions

The Hazardous and Solid Waste Amendments of 1984, mandate the U.S. EPA to evaluate all hazardous wastes to determine whether land disposal of the wastes is protective of human health and the environment. The U.S. EPA is also required to set either concentration levels or pre-treatment standards for those hazardous wastes that will be allowed to be land disposed. (Land disposal in this context was defined to be any placement of waste on the land, including, but not limited to, landfills, surface impoundments, land treatment units, waste piles, injection wells, and disposal vaults or bunkers.) The permit contains provisions to assure that the land disposal prohibitions will be observed.

This facility generates wastes restricted under 40 CFR Part 268. However, the Permittee will not be permitted to dispose of hazardous waste in or on the land at the site. The Company sends restricted wastes to off-site facilities for disposal. Condition II. of the permit requires the Permittee to comply with the applicable testing and storage requirements for restricted wastes.

Toxicity Characteristic Rule

In the Hazardous and Solid Waste Amendments of 1984, Congress directed the U.S. EPA to examine and revise the Extraction Procedure Toxicity Characteristic and to identify additional hazardous waste characteristics, including measures of toxicity. (Toxicity is one of the four characteristics used by the U.S. EPA to determine whether a waste is hazardous.) Accordingly, the U.S. EPA promulgated the new Toxicity Characteristic (TC) Rule, on March 29, 1990. The TC rule replaces the Extraction Procedure (EP) leach test with the Toxicity Characteristic Leaching Procedure (TCLP) and adds regulatory levels for 25 organic constituents.

Condition III. of the permit requires the Permittee to use the TCLP or use knowledge of the waste to determine whether its waste exhibits the characteristic of toxicity as defined in 40 CFR 261.4. If any waste is determined to be hazardous under the TC rule, the Permittee must manage this waste in accordance with the applicable RCRA regulations.

Air Emission Standards

The U.S. EPA is required by Section 3004(n) of RCRA, as amended by HSWA, to promulgate standards for the monitoring and control of air emissions at hazardous, waste treatment, storage, and disposal facilities, as necessary to protect human health and the environment. The U.S. EPA plans to promulgate these standards in three phases. Phase I of the standards was promulgated on June 21, 1990, and codified in 40 CFR Parts 264 and 265, Subparts AA and BB. The Subparts AA and BB standards limit organic air emissions from process vents and equipment leaks respectively. The U.S. EPA will develop additional standards in two further phases at a later time.

Condition IV. of the permit requires the Permittee to comply with all applicable requirements regarding air emission standards for process vents and equipment leaks, including all recordkeeping and reporting requirements.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V
HAZARDOUS WASTE MANAGEMENT PERMIT

12-14-90

Name of Permittee: The University of Chicago

Facility Location: Street Address: 5801 South Ellis Avenue
City, State: Chicago, Illinois

EPA Identification Number: ILD005421136

Effective Date: _____

Expiration Date: Ten (10) years after the effective date

Authorized Activities:

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984, (42 U.S.C. §6901, et seq.), and regulations promulgated thereunder by the United States Environmental Protection Agency (U.S. EPA) (codified in Title 40 of the Code of Federal Regulations (CFR)), Federal permit conditions (hereinafter called the permit) of the RCRA permit are issued to The University of Chicago (hereinafter called the Permittee), for the facility located in Chicago, Illinois.

The RCRA permit contains both the effective Federal permit conditions (contained herein) and the effective State permit conditions issued by the State of Illinois RCRA program authorized under 40 CFR Part 271 (hereinafter called the State permit). When both this permit and the State permit are effective, the Permittee has an effective RCRA permit which authorizes the Permittee to conduct hazardous waste management activities as specified in the RCRA permit.

Permit Approval:

On January 31, 1986, the State of Illinois received final authorization pursuant to Section 3006 of RCRA, 42 U.S.C. §6926, and 40 CFR Part 271, to administer the pre-HSWA RCRA hazardous waste program. Since the State of Illinois has not yet received authorization to administer the entire hazardous waste program requirements of HSWA, additional permit conditions must be issued by the U.S. EPA to address these new requirements. These additional conditions are contained in this permit.

The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in any attachments) and the applicable regulations contained in 40 CFR Parts 260, 261, 262, 264, 266, 268, 270, and 124, and applicable provisions of HSWA.

This permit is based on the assumption that the information submitted in the Part B permit application dated November 8, 1988, and in any subsequent amendments (hereinafter referred to as the application), is accurate. Any inaccuracies found in this information may be grounds for the termination, revocation and reissuance, or modification of this permit (see 40 CFR 270.41, 270.42 and 270.43) and potential enforcement action. The Permittee must inform the U.S. EPA of any deviation from or changes in the information in the submitted application as soon as the Permittee becomes aware of such deviation or changes.

Opportunity to Appeal:

Petitions for review must be submitted within 30 days after service of notice of the final permit decision. Any person who filed comments on the draft permit or participated in the public hearing may petition the Administrator to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision. The procedures for permit appeals are found in 40 CFR 124.19.

Effective Date:

The RCRA permit is effective when both this permit and the State permit are effective. This permit is effective as of the effective date specified on the previous page, unless a review is requested under 40 CFR 124.19. The permit shall remain in effect until the expiration date, unless revoked and reissued, or terminated (40 CFR 270.41, 270.42, and 270.43), or continued in accordance with 40 CFR 270.51.

Issued this _____ day of _____, 1991

by _____

David A. Ullrich, Director
Waste Management Division

ILD00542136

The University of Chicago
5801 South Ellis Avenue
Chicago, Illinois

PERMIT INDEX

PERMIT CONDITIONS:

- I. Standard Conditions
- II. Land Disposal Requirements
- III. Toxicity Characteristic
- IV. Air Emission Standards

PERMIT CONDITIONS

(Note: The regulatory citations in parentheses are incorporated by reference.)

I. STANDARD CONDITIONS

A. EFFECT OF PERMIT (40 CFR 270.4 and 270.30(g))

The Permittee is allowed to manage hazardous waste in accordance with the conditions of the RCRA permit. Any management of hazardous waste not authorized in the RCRA permit is prohibited.

Compliance with the RCRA permit during its term constitutes compliance, for the purposes of enforcement, with Subtitle C of RCRA, except for those requirements not included in the permit which become effective by statute, or which are promulgated under 40 CFR Part 268, restricting the placement of hazardous waste in or on the land. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; Sections 104, 106(a), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. §9601 et seq., commonly known as CERCLA); or any other law providing for protection of public health or the environment.

B. PERMIT ACTIONS (40 CFR 270.30(f))

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 270.41, 270.42, and 270.43. This permit may also be reviewed and modified at any time by the U.S. EPA to include any terms and conditions determined necessary to protect human health and the environment pursuant to Section 3005(c)(3) of RCRA. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes, or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

C. SEVERABILITY (40 CFR 124.16)

The provisions of this permit are severable, and if any provision of this permit, or if the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

D. DUTIES AND REQUIREMENTS

1. Duty to Comply. (40 CFR 270.30(a))

The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit (See 40 CFR 270.61). Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of RCRA and HSWA and is grounds for enforcement action, permit termination, revocation and reissuance, modification, denial of a permit renewal application, or other appropriate action.

2. Duty to Reapply. (40 CFR 270.30(b) and 270.10(h))

The Permittee shall submit a complete application for a new permit at least 180 days before this permit expires unless: a) the Permittee no longer wishes to operate a hazardous waste management facility; b) the Permittee is no longer required to have a RCRA permit; or c) permission for a later date has been granted by the Regional Administrator. The Regional Administrator shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

3. Permit Expiration. (40 CFR 270.13, 270.14, 270.50, and 270.51)

This permit and all conditions herein shall be effective for a fixed term not to exceed 10 years, and will remain in effect beyond the permit's expiration date only if the Permittee has submitted a timely, complete application (per 40 CFR 270.10 and applicable sections of 270.14 through 270.29): a) to both the U.S. EPA and the State; and b) through no fault of the Permittee, the Regional Administrator and the State have not issued a new permit, as set forth in 40 CFR 270.51.

4. Need to Halt or Reduce Activity Not a Defense. (40 CFR 270.30(c))

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

5. Duty to Mitigate. (40 CFR 270.30(d))

In the event of releases or noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are

reasonable to prevent significant adverse impacts on human health and the environment.

6. Proper Operation and Maintenance. (40 CFR 270.30(e))

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality control/quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

7. Duty to Provide Information. (40 CFR 270.30(h) and 264.74)

The Permittee shall furnish to the Regional Administrator, within the time designated by the Regional Administrator, any relevant information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Regional Administrator, upon request, copies of records required to be kept by this permit.

8. Inspection and Entry. (40 CFR 270.30(i))

The Permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

- a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

- d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

9. Monitoring and Recordkeeping. (40 CFR 270.30(j), 270.31, 264.73, and 264.74)

The Permittee shall retain all reports, records, or other documents, required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the reports, records or other documents. Corrective Action records must be maintained at least 3 years after all Corrective Action activities have been completed. These periods may be extended by request of the Regional Administrator at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility.

10. Reporting Planned Changes. (40 CFR 270.30(1)(1))

The Permittee shall give notice to the Regional Administrator of any planned physical alterations or additions to the permitted facility, as soon as possible, and at least 30 days before construction of such alteration or addition is commenced.

11. Anticipated Noncompliance. (40 CFR 270.30(1)(2))

The Permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Such notice does not constitute a waiver of the Permittee's duty to comply with permit requirements.

12. Transfer of Permits. (40 CFR 270.30(1)(3), 270.40(a), and 264.12(c))

This permit may be transferred by the Permittee to a new owner or operator only after providing notice to the Regional Administrator and only if the permit is modified, or revoked and reissued, pursuant to 40 CFR 270.40(b), 270.41(b)(2), or 270.42(a). Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264, 268, and 270 (including all applicable corrective action requirements), and shall provide a copy of the RCRA permit to the new owner or operator.

13. Compliance Schedules. (40 CFR 270.30(1)(5) and 270.33)

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted to the Regional Administrator no later than 14 days following each scheduled date.

14. Twenty-four Hour Reporting. (40 CFR 270.30(1)(6) and 270.33)

The Permittee shall report to the Regional Administrator any noncompliance with the permit which may endanger human health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances. This report shall include the following:

- a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies; and
- b. Information concerning the release or discharge of any hazardous waste, or of a fire or explosion at the facility, which could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:
 - (1) Name, address, and telephone number of the owner or operator;
 - (2) Name, address, and telephone number of the facility;
 - (3) Date, time, and type of incident;
 - (4) Name and quantity of material(s) involved;
 - (5) The extent of injuries, if any;
 - (6) An assessment of actual or potential hazard to the environment and human health outside the facility, where this is applicable; and
 - (7) Estimated quantity and disposition of recovered material that resulted from the incident.

A written submission shall also be provided within 5-days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); steps taken to minimize impact on the environment; whether the noncompliance has been corrected, and if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Permittee need not comply with the 5-day written notice requirement if the Regional Administrator waives the requirement. Upon waiver of the 5-day requirement, the Permittee shall submit a written report within 15 days of the time the Permittee becomes aware of the circumstances.

15. Other Noncompliance. (40 CFR 270.30(1)(10))

The Permittee shall report all other instances of noncompliance not otherwise required to be reported above within 15 days of when the Permittee becomes aware of the noncompliance. The reports shall contain the information listed in Condition I.D.14.

16. Other Information. (40 CFR 270.30(1)(11))

Whenever the Permittee becomes aware that it failed to submit any relevant facts, or submitted incorrect information to the Regional Administrator in the permit application or in any reports, records, or other documentation provided to the Regional Administrator, the Permittee shall promptly submit such facts or information.

17. Submittal of Reports or Other Information. (40 CFR 270.30(1)(7), (8), and (9), and 270.31)

All reports or other information required to be submitted pursuant to this permit shall be sent to:

Director, Waste Management Division
RCRA Activities (5HR-13)
U.S. EPA, Region V
230 South Dearborn Street
Chicago, Illinois 60604

Attention: Illinois Section

18. All other requirements contained in RCRA, as amended, and in 40 CFR 270.30 not set forth herein are hereby fully incorporated in this permit.

E. SIGNATORY REQUIREMENT (40 CFR 270.30(k))

All reports or other information submitted to or requested by the Regional Administrator, his designee, or authorized representative, shall be signed and certified as required by 40 CFR 270.11.

F. CONFIDENTIAL INFORMATION

In accordance with 40 CFR 270.12 and 40 CFR Part 2, Subpart B, any information submitted to the U.S. EPA pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by marking the words "Confidential Business Information" on each page containing such information. If no claim is made at time of submission, the U.S. EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2.

G. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the facility, until closure is completed and certified by an independent registered professional engineer, all items required by 40 CFR 264.73, including the following documents and all amendments, revisions, and modifications to these documents:

1. Waste Analysis Plan, as required by 40 CFR 264.13 and this permit;
2. Operating Record, as required by 40 CFR 264.73 and this permit;
3. Notifications from generators accompanying each incoming shipment of wastes subject to 40 CFR Part 268, Subtitle C, that specify treatment standards, as required by 40 CFR 264.73, 268.7, and this permit.
4. Records regarding closed-vent systems and control devices and/or equipment leaks as required by 40 CFR 264.1035, 264.1064, and 264.73, and Condition IV.C. of this permit.

II. LAND DISPOSAL RESTRICTIONS

A. GENERAL CONDITIONS

1. The Permittee shall comply with all the applicable self-implementing requirements of 40 CFR Part 268 and all applicable land disposal requirements which become effective by statute (Section 3004 of RCRA).
2. A mixture of any restricted waste with nonrestricted waste(s) is a restricted waste under 40 CFR Part 268.
3. The Permittee shall not in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with 40 CFR Part 268, Subpart D, to circumvent the effective date of a prohibition in 40 CFR Part 268, Subpart C, to otherwise avoid a prohibition in 40 CFR Part 268, Subpart C, or to circumvent a land disposal prohibition imposed by Section 3004 of RCRA.
4. The Permittee shall prepare and maintain a current list of the hazardous waste codes handled by the facility that are identified in 40 CFR 268, Subparts B and C. The list shall include all waste codes handled by the facility, and any associated treatment standards, and shall be updated through the inclusion of new treatment standards, as promulgated or amended. This list shall be provided to the U.S. EPA representatives, or their designees, upon request.

B. TESTING AND RELATED REQUIREMENTS

1. The Permittee must test, in accordance with 40 CFR 268.7(a), any waste generated at the facility, or use knowledge of the waste, to determine if the waste is restricted from land disposal.
2. For restricted wastes with treatment standards expressed as concentrations in the waste extract, as specified in 40 CFR 268.41, the Permittee shall test the treatment residues, or an extract of such residues developed using the test methods described in Appendix II of 40 CFR Part 261 (Toxicity Characteristic Leaching Procedure, or TCLP) to assure that the treatment residues or extract meet the applicable treatment standards of 40 CFR Part 268, Subpart D. Such testing shall be performed as required by 40 CFR 264.13.

3. For restricted wastes under 40 CFR 268.32 or Section 3004(d) of RCRA, which are not subject to any treatment standards under 40 CFR Part 268, Subpart D, the Permittee shall test the treatment residues according to the generator requirements specified under 40 CFR 268.32 to assure that the treatment residues comply with the applicable prohibitions of 40 CFR Part 268, Subpart C. Such testing shall be performed as required by 40 CFR 264.13.
4. A restricted waste for which a treatment technology is specified under 40 CFR 268.42(a) may be land disposed after it is treated using that specified technology or an equivalent treatment method approved by the Administrator under the procedures set forth in 40 CFR 268.42(b).
5. For restricted wastes with treatment standards expressed as concentrations in the waste, as specified in 40 CFR 268.43, the Permittee shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards of 40 CFR Part 268, Subpart D. Such testing shall be performed as required by 40 CFR 264.13.
6. The Permittee shall comply with all the applicable notification, certification, and recordkeeping requirements described in 40 CFR 268.7(a) and (b).

C. STORAGE PROHIBITIONS

1. The Permittee shall comply with all the applicable prohibitions on storage of restricted wastes specified in 40 CFR Part 268, Subpart E.
2. Except as otherwise provided in 40 CFR 268.50, the Permittee may store restricted wastes in tanks and containers solely for the purpose of the accumulation of such quantities of hazardous wastes as necessary to facilitate proper recovery, treatment, or disposal provided that:
 - a. Each container is clearly marked to identify its contents and the date each period of accumulation begins; and
 - b. Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility.

3. The Permittee may store restricted wastes for up to 1 year unless the U.S. EPA or its authorized agent can demonstrate that such storage was not solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.
4. The Permittee may store restricted wastes beyond 1 year; however, the Permittee bears the burden of proving that such storage was solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.
5. The Permittee shall not store any liquid hazardous waste containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 ppm unless the waste is stored in a storage facility that meets the requirements of 40 CFR 761.65(b). This waste must be removed from storage and treated or disposed as required by 40 CFR Part 268 within 1 year of the date when such wastes are first put into storage. Condition II.C.4. above, that allows storage for over 1 year with specified demonstration, does not apply to PCB wastes prohibited under 40 CFR 268.32.

III. TOXICITY CHARACTERISTIC

- A. The Permittee must use the Toxicity Characteristic Leaching Procedure (TCLP) (Appendix II of 40 CFR Part 261), or use knowledge of the waste to determine whether a waste exhibits the characteristic of toxicity, as defined in 40 CFR 261.24. Use of the TCLP does not exempt the Permittee from also using the Extraction Procedure (EP) toxicity test if required by the State permit conditions.
- B. Within 30 days after the effective date of this permit, the Permittee must submit to the Regional Administrator a revised Waste Analysis Plan pursuant to 40 CFR 264.13 which identifies the TCLP as the test method for the characteristic of toxicity.
- C. For newly regulated wastes (based on the TCLP) managed in units permitted in the State portion of this permit, the Permittee shall operate those units in accordance with the State permit conditions.

IV. AIR EMISSION STANDARDS

- A. The Permittee shall comply with all applicable requirements of 40 CFR Part 264, Subpart AA, regarding air emission standards for process vents.
- B. The Permittee shall comply with all applicable requirements of 40 CFR Part 264, Subpart BB, regarding air emission standards for equipment leaks.
- C. The Permittee shall comply with all applicable recordkeeping and reporting requirements described in 40 CFR 264.1035, 264.1036, 264.1064, and 264.1065.